

Department of Justice

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Western District of New York

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NORTH TONAWANDA DOCTOR ARRESTED; CHARGED WITH ILLEGALLY DISPENSING PRESCRIPTION DRUGS

BUFFALO, N.Y. - U.S. Attorney William J. Hochul, Jr. announced today that Matthew A. Bennett, 46, of Clarence, N.Y., was arrested and charged by Criminal Complaint with the unlawful distribution of a controlled substance. The charge carries a maximum penalty of 20 years in prison, a \$1,000,000 fine or both.

Assistant U.S. Attorney Timothy C. Lynch, who is handling the case, stated that according to the Complaint, beginning in February 2011, law enforcement officers received information from numerous sources that the defendant issued prescriptions for scheduled controlled substances outside the scope of legitimate medical practice.

According to the Complaint, Bennett issued multiple prescriptions for Roxicodone, Clonazepam, Xanax, Klonopin, Oxymorphone on seven different occasions to a person working with the Drug Enforcement Administration and four undercover law enforcement officers. Some of the prescriptions were written at his office at 624 River Road in North Tonawanda but physical examinations were never performed. Other prescriptions were dispensed at the defendant's home at 9405 Hunting Valley Road in Clarence.

The Complaint further alleges that prescriptions were often written in exchange for items such as a gas grill or paper products. For example, on July 12, 2012, Dr. Bennett issued a prescription for Oxymorphone in the driveway of his home in exchange for toilet paper and paper towels delivered to his home by an undercover officer. On July 19, 2012, another undercover officer delivered paper products to the defendant's office in exchange for prescriptions of Roxicodone and Klonopin. On that same date, Bennett expressed interest in exchanging prescriptions for paper products on a weekly basis.

On July 24, 2012, the defendant provided a prescription of Roxicodone to an undercover officer after the officer delivered a gas grill to his home

“As we have said many times before, the abuse of illegal prescription drugs is a serious issues both here in Western New York, and throughout the country, said U.S. Attorney Hochul. “Under their oath, doctors are called on to ‘first, do no harm.’ Dispensing controlled substances without a physical examination or a diagnosed illness can in fact cause substantial harm to the recipient and others. Our Office will utilize all of the tools available to us to identify and prosecute all who engage in this sort of illegal activity.”

The Criminal Complaint is the result of an investigation by the Drug Enforcement Administration, under the direction of Wilbert L. Plummer, Acting Special Agent in Charge, New York Field Division, the Niagara County Drug Task Force, under the direction of Sheriff James Votour, the Amherst Police Department, under the direction of Chief John Askey, the Buffalo Police Department, under the direction of Commissioner Daniel Derenda, and the New York State Attorney General’s Medicaid Fraud Control Unit, under the direction of Monica Hickey-Martin.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.